

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6589

BILL NUMBER: HB 1124

DATE PREPARED: Nov 27, 2001

BILL AMENDED:

SUBJECT: Leaving a Boating Accident Scene.

FISCAL ANALYST: Karen Firestone

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FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill increases various penalties related to leaving the scene of a boating accident that results in an injury or death.

Effective Date: July 1, 2002.

Explanation of State Expenditures: Under current law, a boat operator involved in an accident who fails to stop at the scene of the accident and provide identification and assistance to the other boat and each person injured, or a boat operator who fails to give notice of the accident to authorities commits a Class C misdemeanor. The bill would increase the penalty to a Class A misdemeanor if the accident results in an injury to a person; a Class D felony if the accident results in serious bodily injury or if the offender has a previous conviction for driving while intoxicated or operating a boat while intoxicated; and a Class C felony if the accident results in a death.

If offenders are found guilty of the Class D or Class C felony rather than the Class C misdemeanor, incarceration costs for the state could increase. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$22,131 in FY 2000. Individual facility expenditures ranged from \$16,442 to \$40,312 per prisoner. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000 and \$10,000 for a Class D or Class C felony. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: If more offenders are convicted of the Class A misdemeanor, local expenditures for jail operations may increase. A Class A misdemeanor is punishable by up to one year in jail. Also, if more defendants are detained in county jails prior to their court hearings for a Class D or Class C felony, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund, and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.